#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3305 OF 2006

Vaiju Shivappa Majukar .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.D.A.Nalawade for applicant

Mr.R.Y.Mirza, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 14th September 2006

P.C.

. Heard Mr.Nalawade for applicant and Mr.Mirza, A.P.P. for State.

2. Applicant is arrested on 26th January 2006 in C.R.No.10 of 2006 where offences alleged are punishable under section 302, 120-B read with 34 I.P.C.

3. On the last occasion Mr.Nalawade had invited my attention to an order passed on 22nd June 2006 by this Court enlarging co-accused on bail. That order pertains to original accused No.3 Waman Jadhav. This court has recorded nature of incident and the backdrop in which the same occurred. This Court also has recorded the fact that both, the applicant before this Court (accused No.3) and the present applicant are roped in with the aid of Section 120-B of I.P.C. The names of these two persons were added subsequently. One Vaijanath original complainant had named Uttam, son of present applicant as assailant. Role assigned to accused Nos. 2 and 3 appears to be identical, which fact is not disputed by Mr.Mirza, A.P.P. either. In these circumstances, on the ground of parity as well as

for reasons assigned by this Court while allowing Criminal Application No.2134 of 2006, present application deserves to be granted. Hence, the present applicant is enlarged on bail on the same conditions as contained in the order passed on Criminal Application No.2134 of 2006 but with further clarification that the applicant for a period of two months shall stay outside the concerned Chandgad Taluka and report to the nearest police station from his residence. Thereafter, applicant is allowed to enter the Chandgad Taluka and in that event shall report to the concerned police station.

(S.C.DHARMADHIKARI, J)